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PTO/SB/01A (10-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 09/854,362, filed on May 15, 2001,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: William Gordon Bradford

Signature: William G. Bradford

Citizen of: United States 08/16/01

Inventor two: _____

Signature: _____

Citizen of: _____

Inventor three: _____

Signature: _____

Citizen of: _____

Inventor four: _____

Signature: _____

Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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FULL NAME OF INVENTOR(S)

Inventor one: David G. Frank

Signature: 

Citizen of: Canada

Inventor two: Joseph Cagnelli

Signature: 

Citizen of: Canada

Inventor three: Lawrence Eugene Frisch

Signature: _____

Citizen of: United States of America

Inventor four: William Gordon Bradford

Signature: _____

Citizen of: United States of America

☒ Additional inventors are being named on 1 additional form(s) attached hereto.

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FULL NAME OF INVENTOR(S)Inventor one: David G. Frank

Signature: _____

Citizen of: CanadaInventor two: Joseph Cargnelli

Signature: _____

Citizen of: CanadaInventor three: Lawrence Eugene FrischSignature: Lawrence Eugene FrischCitizen of: United States of AmericaInventor four: William Gordon Bradford

Signature: _____

Citizen of: United States of America☒ Additional inventors are being named on 1 additional form(s) attached hereto.

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FULL NAME OF INVENTOR(S)Inventor one: Myron Timothy MaxsonSignature: *Myron Timothy Maxson*Citizen of: United States of AmericaInventor two: Brian Jeffrey SwantonSignature: *Brian Jeffrey Swanton*Citizen of: United States of AmericaInventor three: Howard Stimson TravisSignature: *Howard Stimson Travis*Citizen of: United States of America

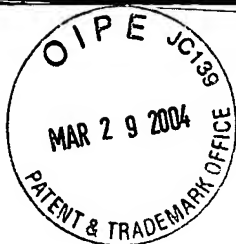
Inventor four: _____

Signature: _____

Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

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March 26, 2004

H. Samuel Frost B.A. (Eng. Sci.), M.Sc. (Nucl. Eng.)
416 957 1687 sfrost@bereskinparr.com

Our Reference: 9351-217

ASSIGNMENT

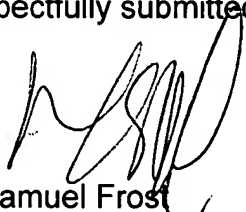
Commissioner for Patents
P.O. Box 1450
Alexandria Virginia
22313-1450 U.S.A.

Dear Sir:

Re: United States Patent Application No. 10/712,060
For: Apparatus for and Method of Forming Seals
in Fuel Cells and Fuel Cell Stacks
Filed: November 14, 2003
Inventors: David Frank et al.

Please find attached copies of the assignments previously recorded in the parent application. We request that these assignment records be recognized for this application, in accordance with MPEP 306, so that the application will proceed with Hydrogenics Corporation and Dow Corning Corporation as joint assignees.

Respectfully submitted,

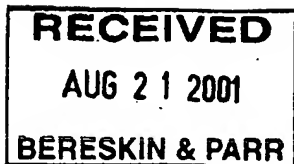

H. Samuel Frost
Registration No. 31,696
/It
Encl.

Please send all correspondence to the Mississauga office:

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Mississauga, Ontario, Canada L5N 1W1
Tel: 905.812.3600 Fax: 905.814.0031

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Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398

Waterloo Technology Campus, 408 Albert St., Ste. 2,
Waterloo, Ontario, Canada N2L 3V3
Tel: 519.783.3210 Fax: 519.783.3211



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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Washington, D.C. 20231

AUGUST 06, 2001

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H. SAMUEL FROST
BOX 401, 40 KING STREET WEST
TORONTO, ONTARIO M5H 3Y2

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9351-46

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RECORDATION DATE: 05/15/2001

REEL/FRAME: 011816/0596
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
FRISCH, LAWRENCE EUGENE

DOC DATE: 05/10/2001

ASSIGNOR:
MAXSON, MYRON TIMOTHY

DOC DATE: 05/10/2001

ASSIGNOR:
SWANTON, BRIAN JEFFREY

DOC DATE: 05/10/2001

ASSIGNOR:
TRAVIS, HOWARD STIMSON

DOC DATE: 05/10/2001

ASSIGNEE:
DOW CORNING CORPORATION
2200 WEST SALZBURG ROAD
P.O. BOX 994
MIDLAND, MICHIGAN 48686-0994

SERIAL NUMBER: 09854362
PATENT NUMBER:

FILING DATE: 05/15/2001
ISSUE DATE:

011816/0596 PAGE 2

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

UNITED STATES

ASSIGNMENT

WHEREAS WE, David G. Frank, Joseph Cargnelli, Lawrence Eugene Frisch, William Gordon Bradford, Myron Timothy Maxson, Brian Jeffrey Swanton, Howard Stimson Travis, whose full post office addresses are 25 Cleethorpes Boulevard, Scarborough, Ontario, Canada, M1S 2S7; 18 Fairhaven Drive, Toronto, Ontario, Canada, M9P 2P6; 2203 Old Pine Trail, Midland, MI 48642, U.S.A.; 5906 Woodview Pass, Midland, MI 48642, U.S.A.; 600 Cadman Point, Sanford, MI 48657, U.S.A.; 2824 Wieneke Road, Saginaw, MI 48603, U.S.A.; and 4330 East Monroe Road, Midland, MI 48642, U.S.A., have invented certain new and useful improvements in an invention entitled **APPARATUS FOR AND METHOD OF FORMING SEALS IN FUEL CELLS AND FUEL CELL STACKS** for which an application for United States Letters Patent was executed by us concurrently herewith under the above title,

WHEREAS HYDROGENICS CORPORATION, a corporation of 5985 McLaughlin Road, Mississauga, Ontario, Canada, L5R 1B8, has acquired from David Frank and Joseph Cargnelli their whole right, title and interest for the United States of America and all other countries in and to the said invention and in and to any Letters Patent that may be obtained therefor, and in and to said application,

WHEREAS DOW CORNING CORPORATION, a corporation of 2200 West Salzburg Road, P.O. Box 994, Midland, Michigan, U.S.A. 48686-0994, has acquired from Lawrence Eugene Frisch, William Gordon Bradford, Myron Timothy Maxson, Brian Jeffrey Swanton and Howard Stimson Travis their whole right, title and interest for the United States of America and all other countries in and to the said invention and in and to any Letters Patent that may be obtained therefor, and in and to said application,

AND WHEREAS Hydrogenics Corporation and Dow Corning Corporation have acquired equal undivided shares in the said invention, and in any Letters Patent that may be obtained therefor, and in said application,

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, we, David G. Frank and Joseph Cargnelli, by these presents confirm that we have sold, assigned and transferred and do hereby sell, assign and transfer unto the said **Hydrogenics Corporation**, our full and exclusive right to the said invention in the United States of America and all other countries and our entire right, title and interest in and to any and all Letters Patent which may be granted therefor, and our entire right, title and interest in and to said application, and in and to any divisions, continuations, continuations-in-part and extensions of said application, together with the

right to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property based on said application for United States Letters Patent.

AND, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, we, **Lawrence Eugene Frisch, William Gordon Bradford, Myron Timothy Maxson, Brian Jeffrey Swanton and Howard Stimson Travis**, by these presents confirm that we have sold, assigned and transferred and do hereby sell, assign and transfer unto the said **Dow Corning Corporation**, our full and exclusive right to the said invention in the United States of America and all other countries and our entire right, title and interest in and to any and all Letters Patent which may be granted therefor, and our entire right, title and interest in and to said application, and in and to any divisions, continuations, continuations-in-part and extensions of said application, together with the right to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property based on said application for United States Letters Patent. We agree that we will without further consideration do all such things and execute all such documents as may be necessary or desirable to obtain and maintain patents for said invention and for additions and modifications thereto in any and all countries, and to vest title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said **Hydrogenics Corporation and Dow Corning Corporation**, the assignees of our entire right, title and interest in and to the same, as equal undivided shares, for their sole use and benefit, and for the use and benefit of their successors and assigns, to the full end of the term for which Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made.

EXECUTED this ____ day of _____, 2001, at _____

David G. Frank

Witness

EXECUTED this ____ day of _____, 2001, at _____

Joseph Cargnelli

Witness

EXECUTED this 10 day of May, 2001, at Midland

Michigan

Frisch

Lawrence Eugene Frisch
Lawrence Eugene Frisch

Charles A. Castle
Witness

EXECUTED this ____ day of _____, 2001, at _____

William Gordon Bradford

Witness

EXECUTED this 10 day of May, 2001, at Midland MI

Myron Timothy Maxson
Myron Timothy Maxson

Charles A. Castle
Witness

EXECUTED this 10 day of May, 2001, at Midland, MI

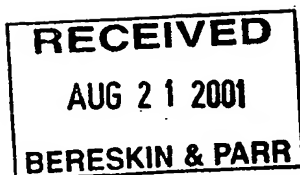
Brian Jeffrey Swanton
Brian Jeffrey Swanton

Therese A. Castle
Witness

EXECUTED this 7 day of May, 2001, at Midland, MI

Howard Stinson Travis
Howard Stinson Travis

Therese A. Castle
Witness



(23)
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AUGUST 06, 2001

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H. SAMUEL FROST
BOX 401, 40 KING STREET WEST
TORONTO, ONTARIO M5H 3Y2 CANADA



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RECORDATION DATE: 05/15/2001

REEL/FRAME: 011816/0665
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
FRANK, DAVID G.

DOC DATE: 05/01/2001

ASSIGNOR:
CARGNELLI, JOSPEH

DOC DATE: 05/01/2001

ASSIGNEE:
HYDROGENICS CORPORATION
5985 MCLAUGHLIN ROAD
MISSISSAUGA, ONTARIO L5R 1B8,
CANADA

SERIAL NUMBER: 09854362
PATENT NUMBER:

FILING DATE: 05/15/2001
ISSUE DATE:

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

UNITED STATES

ASSIGNMENT

WHEREAS WE, **David G. Frank, Joseph Cargnelli, Lawrence Eugene Frisch, William Gordon Bradford, Myron Timothy Maxson, Brian Jeffrey Swanton, Howard Stimson Travis**, whose full post office addresses are **25 Cleethorpes Boulevard, Scarborough, Ontario, Canada, M1S 2S7; 18 Fairhaven Drive, Toronto, Ontario, Canada, M9P 2P6; 2203 Old Pine Trall, Midland, MI 48642, U.S.A.; 5906 Woodview Pass, Midland, MI 48642, U.S.A.; 600 Cadman Point, Sanford, MI 48657, U.S.A.; 2824 Wieneke Road, Saginaw, MI 48603, U.S.A.; and 4330 East Monroe Road, Midland, MI 48642, U.S.A.**, have invented certain new and useful improvements in an invention entitled **APPARATUS FOR AND METHOD OF FORMING SEALS IN FUEL CELLS AND FUEL CELL STACKS** for which an application for United States Letters Patent was executed by us concurrently herewith under the above title,

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AND WHEREAS **Hydrogenics Corporation and Dow Corning Corporation** have acquired equal undivided shares in the said invention, and in any Letters Patent that may be obtained therefor, and in said application,

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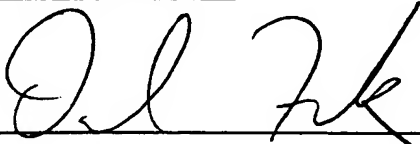
right to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property based on said application for United States Letters Patent.

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We hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said **Hydrogenics Corporation and Dow Corning Corporation**, the assignees of our entire right, title and interest in and to the same, as equal undivided shares, for their sole use and benefit, and for the use and benefit of their successors and assigns, to the full end of the term for which Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made.

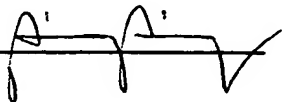
EXECUTED this 1 day of May, 2001, at Mississauga

ONTARIO CANADA

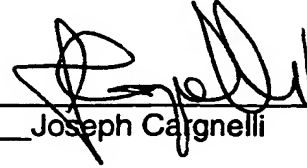


David G. Frank

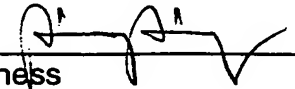
Witness



EXECUTED this 1 day of May, 2001, at Mississauga
ONTARIO Canada



Joseph Cagnelli



Witness

EXECUTED this ____ day of _____, 2001, at _____
, _____

Lawrence Eugene Frisch

Witness

EXECUTED this ____ day of _____, 2001, at _____
, _____

William Gordon Bradford

Witness

EXECUTED this ____ day of _____, 2001, at _____
, _____

Myron Timothy Maxson

Witness

EXECUTED this ____ day of _____, 2001, at _____

Brian Jeffrey Swanton

Witness

EXECUTED this ____ day of _____, 2001, at _____

Howard Stimson Travis

Witness

9151-46

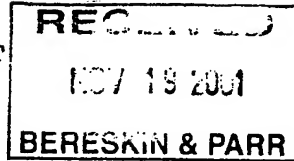


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NOVEMBER 05, 2001

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TORONTO, ONTARIO M5H 3Y2
CANADA

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101833857A

NOV 21 2001

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
BRADFORD, WILLIAM GORDON

DOC DATE: 08/16/2001

ASSIGNEE:
DOW CORNING CORPORATION
P.O. BOX 994
MIDLAND, MICHIGAN 48686-0994

SERIAL NUMBER: 09854362
PATENT NUMBER:

FILING DATE: 05/15/2001
ISSUE DATE:

DOROTHY BASMA, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

UNITED STATES

ASSIGNMENT

WHEREAS I, **William Gordon Bradford**, whose full post office address is **5906 Woodview Pass, Midland, Michigan, 48642 U.S.A.** have invented certain new and useful improvements in an invention entitled **APPARATUS FOR AND METHOD OF FORMING SEALS IN FUEL CELLS AND FUEL CELL STACKS** for which an application for United States Letters Patent was filed **May 15, 2001** under serial no. **09/854,362**,

AND WHEREAS **DOW CORNING CORPORATION.**, a corporation of **2200 West Salzburg Road, P.O. Box 994, Midland, Michigan, 48686-0994, U.S.A.**, has acquired from me the whole right, title and interest for the United States of America and all other countries in and to the said invention and in and to any Letters Patent that may be obtained therefor, and in and to said application,

AND WHEREAS **Hydrogenics Corporation** and **Dow Corning Corporation** have acquired equal undivided shares in the said invention, and in any Letters Patent that may be obtained therefor, and in said application,

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, **William Gordon Bradford**, by these presents confirm that I have sold, assigned and transferred and do hereby sell, assign and transfer unto the said **Dow Corning Corporation**, the full and exclusive right to the said invention in the United States of America and all other countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor, and the entire right, title and interest in and to said application, and in and to any divisions, continuations, continuations-in-part and extensions of said application, together with the right to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property based on said application for United States Letters Patent.

I agree that I will without further consideration do all such things and execute all such documents as may be necessary or desirable to obtain and maintain patents for said invention and for additions and modifications thereto in any and all countries, and to vest title thereto in said assignee, its successors, assigns and legal representatives or nominees.

I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said **Hydrogenics Corporation and Dow Corning Coporation**, the assignees of the entire right, title and interest in and to the same, as equal undivided shares, for their sole use and benefit, and for the use and benefit of its successors and assigns, to the full end of the term for which Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 16 day of August, 2001, at _____, Midland,
Michigan, U.S.A..

William G. Bradford
William Gordon Bradford

Cheryl A. Castle
Witness

Cheryl A. Castle
NOTARY PUBLIC, SAGINAW COUNTY, MICHIGAN
MY COMMISSION EXPIRES JUNE 28, 2004
ACTING IN Bay County